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24.08.2022
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 7579 of 2022

**Mehabub Alam
-versus
The State of West Bengal & Ors.**

**Mr. Tulshi Das Roy,
Mr. Tapan Roy,
Mr. Tirthankar Roy.
...For the Petitioner.**

**Mr. Lalit Mohan Mahata,
Mr. Prasanta Behari Mahata.
...For the State.**

**Mr. Angshuman Chakraborty,
Mr. Shashanka Shekhar Saha.
...For the Respondent No.7.**

Affidavit-of-service filed in Court today is taken on record.

The grievance of the petitioner is that he is serving as a casual worker of the Daspalsa Gram Panchayat since 2003. He was being paid the remuneration from the funds of the Gram Panchayat. According to the petitioner, from February 2020 his remuneration has not been disbursed.

The prayer of the petitioner for benefits in terms of the Memorandum No. 3998-F(P2) dated 15th July, 2019 is also pending consideration.

The Pradhan of the Gram Panchayat has forwarded all documents of the petitioner for disbursing benefit in terms of the aforesaid memorandum dated 15th July, 2019 to the Block Development Officer but there is no response from the end of the said Block Development Officer.

The representation before the District Panchayat & Rural Development Officer also remains unanswered.

Learned advocate appearing for the Panchayat submits, upon instructions, that in view of the financial crunch faced by the Panchayat, the payment of the petitioner as well as all other casual employees of the Panchayat cannot be disbursed.

It has been submitted that the Panchayat has drawn the attention of the Block Development Officer and has sought for fund for clearing the dues of the casual employees but without the financial assistance from the Block Development Officer, the same could not be disbursed.

It has been submitted that the Panchayat has adopted a resolution and forwarded the same to the Panchayat Samity in April, 2022.

Learned advocate appearing for the State respondents submits, upon instructions, that as the service of the petitioner is yet to be approved by the State Government, accordingly, the Panchayat has to take the responsibility for disbursing the financial benefit in favour of the petitioner.

Till the service of the petitioner or any casual employee is approved by the State Government, the

State Government cannot be made liable for bearing the financial liability of the said employee.

It appears from the documents annexed to the writ petition that the petitioner was engaged by the Panchayat way back in 2003 as a casual worker and he is in service till date.

The petitioner complains of non-payment of his remuneration from February 2020. The petitioner annexed documents to show that he is in need of fund for the medical treatment of his daughter.

The Panchayat being the principal employer of the petitioner is primarily responsible for disbursing the remuneration of the petitioner as and when the same falls due.

If the Panchayat is in financial crunch, then the petitioner ought to have been intimated as to how the Panchayat intends to clear the dues of the petitioner. The Panchayat cannot accept service without payment of the necessary remuneration. The same is impermissible in law.

In view of the above, the respondent Nos. 6 and 7 are directed to follow up the matter with the concerned authority to ensure that the dues of the petitioner is disbursed at the earliest, but positively within a period of ninety days from the date of communication of a copy of this order.

The aforesaid respondents shall also pursue the matter of disbursing the benefits in favour of the petitioner in terms of the memorandum dated 15th July, 2019 and other similar memoranda covering the field.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)